

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

WILLIE T. FELDER,
ADMINISTRATOR OF THE ESTATE
OF MARY W. FELDER,

Plaintiff,

v.

DOLGENCORP, LLC D/B/A DOLLAR
GENERAL, REDDY ICE, LLC F/K/A
REDDY ICE CORPORATION,
ABC CORPORATION, AND
JOHN DOE,

Defendants.

Civil Action File No.:

NOTICE OF REMOVAL

COMES NOW, Dolgencorp, LLC d/b/a Dollar General (“Dolgencorp”), a Defendant in the above-styled case, and within the time prescribed by law, files this Notice of Removal, and respectfully shows to the Court the following facts:

1.

Plaintiff Willie T. Felder, Administrator of the Estate of Mary W. Felder, filed suit against Dolgencorp, LLC d/b/a Dollar General, Reddy Ice, LLC f/k/a Reddy Ice Corporation, ABC Corporation and John Doe filed a Complaint for

Damages in the State Court of Troup County, State of Georgia, Civil Action File No.: 21-CS-300, on June 7, 2021.¹

2.

In the Complaint for Damages, Plaintiff claims Plaintiff's Decedent "slipped and fell on the concrete walkway located near and/or around the ice machine" while shopping at a Dollar General store in Troup County, Georgia. (Complaint for Damages, ¶ 13). As a result of the slip and fall, Plaintiff claims Plaintiff's Decedent "suffered excruciating and severe physical stress incident to the shoulder, back and neck pain, causing extensive medical treatment, including invasive treatment to the shoulder, neck and back." (Complaint for Damages, ¶ 22). Plaintiff seeks a judgment against Defendants for "general and special damages" and "punitive damages . . . [of] not less than \$250,000." (Complaint for Damages, ¶¶ 29 and 47).

3.

Plaintiff's Decedent, Mary W. Felder, resided in the State of Georgia. (See CAFN: 3:20-CV-051, Doc. 17, ¶ 1).

¹ This is a Renewal Action, which was last pending in the United States District Court for the Northern District of Georgia, Newnan Division, Civil Action File No.: 3:20-CV-051. Plaintiff voluntarily dismissed the prior action, without prejudice, on December 11, 2020.

4.

Defendant Dolgencorp is a Kentucky corporation with its principal place of business in Goodlettsville, Tennessee. Dolgencorp is not a citizen of the State of Georgia, was not a citizen of the State of Georgia on the date of filing of the aforementioned civil action (or service upon this Defendant), and has not since become a Georgia citizen.

5.

No affidavit showing service upon Defendant Reddy Ice, LLC f/k/a Reddy Ice Corporation has been filed. Upon information and belief, Reddy Ice, LLC is a Nevada corporation with its principal place of business in Dallas, Texas. (See CAFN: 3:20-CV-051, Doc. 1-3).

6.

As shown above, based on Plaintiff's claim for punitive damages of not less than \$250,000, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

7.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and, accordingly, is one which may be removed to this Court by Dolgencorp pursuant to the provisions

of 28 U.S.C. § 1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 exclusive of interests and costs, and is between citizens of different states.

8.

Dolgencorp, LLC d/b/a Dollar General was served on July 21, 2021. This Notice is filed within 30 days of service upon Defendant, pursuant to the requirements of 28 U.S.C. § 1446(b).

9.

Dolgencorp has attached hereto copies of all process, pleadings and orders served upon it in this case, such copies being marked **Exhibit “A.”** In addition, Defendant shows it has already answered the lawsuit in the state court action referenced above and a copy of that Answer and Jury Demand are attached hereto as **Exhibit “B.”** There are no motions pending in the State Court of Troup County, Georgia, at the time of filing this Notice of Removal.

10.

Venue properly rests in the Newnan Division of the United States District Court of the Northern District of Georgia, as this case is being removed from the State Court of Troup County, Georgia, which sits in the Newnan Division of United States District Court for the Northern District of Georgia. A Notice of

Filing Notice of Removal to Federal Court will be filed with the State Court of Troup County, Georgia.

WHEREFORE, Dolgencorp, LLC d/b/a Dollar General prays that the case be removed to the United States District Court for the Northern District of Georgia, Newnan Division.

This 21st July, 2021.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Erica L. Morton

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CERTIFICATE OF SERVICE

I certify that I have electronically filed this **Notice of Removal** with the Clerk of Court using the CM/ECF (Pacer) system which will automatically send email notification of such filing to the following attorneys of record:

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This 21st July, 2021.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Erica L. Morton

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